VIRTUAL (ZOOM) MEETING BY PHONE

 SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF SEPTEMBER 22, 2021**

**The regular meeting of the Board of Adjustment was called to order by Mr. Henry, Vice Chairman and opened with a salute to the flag. Mr. Henry announced that the meeting was being conducted in accordance with the Sunshine Law.**

**Members of the Board of Adjustment present were: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley,**

**Mr. Emma, Mr. Esposito, Ms. Kuo**

**Excused Absence: Mr. Corrigan, Mr. Luciano**

**Also present were: Mr. Kemm, Esq., Mr. Cornell, Engineer, Lauren Purdom, Planner**

**#21-16 Phil & Janine Emma 16 Cori Street Bulk Variance/Pool $ 50.00 App.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Janine Emma who stated they were seeking approval to install an 18’ round above ground pool with a variance of 6’ from the side yard property line as this is the only area suitable for the pool as the rear yard slopes too close to the neighbor’s yard and on the other side the neighbor’s shed.**

**Mr. Kemm stated the following variance:**

* **Side yard setback required 10’ the applicant is proposing 6’**

**Mr. Henry made motion to open public portion. No one spoke. Mr. Foley made motion to close public portion;**

**Mr. Sivilli seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Sivilli made motion to approve the application; Mr. Foley seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Esposito, Ms. Kuo**

**SAYREVILLE BOARD OF ADJUSTMENT**

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**#21-18 New Cingular Wireless 775 Washington Rd. Use Variance/Site Plan $1,250.00 App.**

 **$2,500.00 Esc.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Chris Quinn, attorney for the applicant at 775 Washington Road located in the B1 Zone in the rear regarding the 125’ tall pole with three wireless carriers. AT&T is proposing Clear Wireless on the center line 100 with a maximum of 104 working generator. According to ordinance this is not a permitted use and they are seeking minor site plan approval. The application meets all MLUL and federal regulations also come into play for the Use Variance/Minor Site Plan.**

**Mr. Kemm swore in Sean Jurado, PP; Mr. Henry made motion to accept credentials.**

**Mr. Jurado addressed the following plans which will be presented:**

**C001 – Overall Site Plan**

**C002 - Access to Compound with wooded area**

**C101 - Plan Equipment Compound – New diesel fuel Generator on the interior corner also Shed with equipment**

**C201 - Left existing right – proposed – removing clear wireless 12 antennas – new will be similar – no lighting**

 **Proposed – tower has capacity – there is also room for one more tower**

**There will be no lighting runoff on the adjacent properties; lights go off automatically**

**Mr. Kemm stated that they are replacing clear wire antennas also equipment approximately 300 sq. ft. Mr. Henry asked if the concrete pad was new; Mr. Jurado said “yes.” Mr. Kemm said that the existing clear wireless is 3-6 and they are replacing 12 at the same height.**

**Mr. Kemm swore in Christine Mazzaro Cofone, LPP; Mr. Henry made motion to accept credentials.**

**Ms. Cofone said that this was a technical variance to replace co-located antennas and they are not increasing the height and they establish general welfare and are a public benefit. According the Federal Law this is a co-location of equipment and they meet all requirements with no physical change and it proposes no detrimental effects. Mr. Henry asked why AT&T.**

**Mr. Kemm swore in Daniel Penesso, Elec. Eng.; Mr. Henry made motion to accept credentials. Mr. Penesso stated that the site is necessary as there is a deficiency in the area and it provides coverage in the area as AT&T will be adding to the site if approve a 1st Responders Network.**

**Mr. Kemm said Federal Laws have changed over the last few years and these types of applications are not board necessary; however, this use was needed. Mr. Quinn stated for the record that they also have received County approval.**

**Mr. Kemm asked Mr. Cornell and Ms. Purdom if all/any issues were addressed. Both stated they have all been addressed. Mr. Quinn asked at this time due to the deadlines they are seeking approval to start the permit process for the application.**

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**Mr. Henry made motion to open public portion. No one spoke. Mr. Henry made motion to close public portion;**

**Mr. Sivilli seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Henry made motion to approve the application with the waivers of approval; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma, Mr. Esposito, Ms. Kuo**

**#21-19 Kristi Jordan 6 Anne Terrace Bulk Variance/In-ground Pool $150.00 App.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Kristi Jordan who stated she was seeking variance approval to install an in-ground pool**

**16’x 32’. Mr. Kemm stated the following variances:**

* **Rear yard setback required 10’ the applicant is proposing 4’**
* **Setback from house 10’ required the applicant is proposing 8’**
* **Setback for concrete apron 5’ required the applicant is proposing 1’**

**Mr. Henry made motion to open public portion. No one spoke. Mr. Henry made motion to close public portion;**

**Mr. Kuczynski seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Sivilli made motion to approve the application with the waivers of approval; Mr. Emma seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma, Mr. Esposito, Ms. Kuo**

**SAYREVILLE BOARD OF ADJUSTMENT**

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**#21-20 Steven McCutcheon 105 Washington Rd. Certificate of Non-Conformity $ 50.00 App.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Jay Weiner, Esq. addressed the board stating that the applicant was seeking a certificate of non-conformity for a pre-existing non-conforming use of 105 Washington Road prior to ordinance as it has never been used as such and he is in the process of purchasing from his grandfather’s trust. His grandfather purchased in the early 1960’s and it has been a two family residence since. While is not a permitted use in the R7 Zone today, he is seeking the acknowledgement that this is permitted.**

**Mr. Kemm swore in: Steven McCutcheon who stated he is in contract on the purchase of this house from his grandfather’s trust. He is familiar with the property and this has always been a two family and he has been involved with the property over the last 1 ½ years. He just wants to receive the proper documents. The neighborhood has a number of two family homes. They each have their own mailbox and electric for each unit. This house has never been a single family home and after purchasing he will continue the current use. The house was built back in the 1900’s as the current use.**

**Mr. Kemm swore in Marc Leber, PP. Mr. Henry made motion to accept credentials. Mr. Leber stated he checked the neighborhood and addressed his Exhibit A1 dated 9//22/21 describing the Zoning schedule in the R7 Zone. The house currently has a 1 bedroom 2nd floor apartment and a 2 bedroom 1st floor apartment and a garage with four parking areas. The applicant is purchasing and will not be changing. This property has been owned since August 1963 and the applicant is asking for approval to continue the same use. He is not asking for anything different and this will not create a detriment as there are actually 12 of the same uses on surrounding streets (Rappleyea Ave., Washington Road, Bissett St.) this use seems to be common in the area and most are not new homes many are before the Zoning ordinance. Mr. Henry asked if since 1963 this was a two family the applicant said “yes.”**

**Mr. Kemm described how uses can be changed and the applicant needed to show when the two family commenced as opposed to when the Zoning cane and that this use has continued. He also stated that the use cannot expand without Board approval; the applicant stated he understood. Mr. Sivilli asked about the garage; the applicant stated it was used for storage.**

**Mr. Henry made motion to open public portion. No one spoke. Mr. Foley made motion to close public portion;**

**Mr. Kuczynski seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Kuczynski made motion to approve the application; Mr. Foley seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma, Mr. Esposito, Ms. Kuo**

**SAYREVILLE BOARD OF ADJUSTMENT**

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**#21-21 Mariusz Maslanka 5 Mohawk Lane Bulk Variance/Driveway $ 50.00 App.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Mariusz Maslanka who stated that they were seeking variance approval for a driveway extension from a one car to a two car.**

**Mr. Kemm stated the following variances:**

* **5’ required from property, the applicant is proposing 8”**

**The applicant stated they have four cars and need more room for parking. Mr. Foley asked if this would be on the grass area, the applicant said “yes.” Mr. Henry asked about water run off; Mr. Cornell said the property slopes out to the street so there should be no issue. Mr. Kuczynski asked if they would be changing the curb cut and extending it the applicant said “yes” Mr. Cornell stated it’s located in the right of way and there is no issue; this is not uncommon. The applicant stated it would all be concrete; Ms. Kuo asked if there were any issues with the neighbor, the applicant said “no.”**

**Mr. Henry made motion to open public portion. No one spoke. Mr. Henry made motion to close public portion;**

**Mr. Kuczynski seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Sivilli made motion to approve the application; Mr. Foley seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma, Mr. Esposito, Ms. Kuo**

**SAYREVILLE BOARD OF ADJUSTMENT**

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**#21-22 Phillip Bailey 14 Rose Street Bulk Variances/Addition/ $150.00 App.**

 **Deck/Driveway/Garage**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Phillip Bailey who stated he was seeking variance approval for three variances.**

**Mr. Kemm stated the following variances:**

* **Side yard setback 20’ required the applicant is proposing 12’**
* **Garage 150’ maximum the applicant is proposing 1100’**
* **Lot coverage proposed 23%**

**He stated that the addition along James St. with a deck; Mr. Henry asked why the garage proposed was lower than the existing garage with a metal roof; the applicant stated that the proposed garage will be a more industrial type and have a metal roof; it will be for personal classic car storage only with no business use. Mr. Henry asked if there would be a driveway; the applicant stated it would be on the side from the current driveway. Mr. Henry asked regarding the concrete and how far it would be from the grass line; the applicant said 13.6’ from the garage and three bays 50’-60.’ Mr. Foley asked about landscaping the applicant said “yes” he will be doing landscaping to lessen the view. Mr. Henry asked if the current landscaping would remain as the building takes away from the residential look. Mr. Kuczynski suggested landscaping in front of the garage as a condition of approval. He asked if there would be any water or heat; the applicant said just electric.**

**Mr. Henry made motion to open public portion. No one spoke. Mr. Foley made motion to close public portion;**

**Mr. Kuczynski seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Foley made motion to approve the application with the following conditions of approval;**

* **Provide Landscaping and shrubbery**
* **Personal use only; no business use**
* **No water or heat just electric**

 **Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma, Mr. Esposito, Ms. Kuo**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – SEPTEMBER 22, 2021**

**#21-23 Murphy Lopez 1094 Bordentown Ave. Bulk Variances/Addition/Pool/ $200.00 App.**

 **Deck/Driveway/Patio**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Before beginning application Mr. Sivilli recused himself from this application.**

**It was then determined that the applicant had trouble joining the Zoom meeting. Mr. Kemm**

**Stated that the application will be held over to the October 22, 2021 meeting with no further notice.**

**SAYREVILLE BOARD OF ADJUSTMENT**

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**MEMORIALIZATION OF RESOLUTIONS**

**#21-11 Sayreville Repair & Leasing 1965 Highway 35**

**Mr. Henry asked for motion to memorialize the resolution. Mr. Foley made motion to memorialize the resolution; Mr. Sivilli seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma, Mr. Esposito, Ms. Kuo**

**ACCEPTANCE OF MINUTES**

# Mr. Henry asked for motion to approve and accept the minutes of the August 25, 2021 meeting. Mr. Foley made motion to accept the minutes Mr. Sivilli seconded, motion carried.

**Before adjourning, Mr. Henry addressed the Virtual meetings and suggested that the Board resume meetings beginning in October back in the Council Chambers. All agreed.**

**Before adjourning Mr. Kemm stated that due to the holdover of application #21-23 the applicant has already noticed that it was a virtual meeting so therefore, October should be the last virtual meeting and in person meetings begin with the November meeting. All agreed. Mr. Cornell stated that masks are required when entering the Council Chambers and while you are seated; masks can be removed when speaking.**

**ADJOURNMENT**

**There being no further business to discuss, Mr. Henry asked for motion to adjourn, Mr. Foley made motion to adjourn; Mr. Kuczynski seconded, motion carried.**

 **Respectfully submitted,**

 **Joan M. Kemble**